

Introduced by Senator Negrete McLeod

February 18, 2010

An act to amend Sections 156, 1695, 2360, 2662, 2770, 3534, 4360, and 4860 of the Business and Professions Code, relating to regulatory boards.

LEGISLATIVE COUNSEL'S DIGEST

SB 1172, as introduced, Negrete McLeod. Regulatory boards.

Existing law provides for the regulation of specified professions and vocations by various boards, as defined, within the Department of Consumer Affairs. The department is under the control of the Director of Consumer Affairs. Existing law authorizes the director to enter into contracts for and on behalf of any board within the department.

This bill would make a technical, nonsubstantive change to that provision.

Existing law establishes diversion and recovery programs to identify and rehabilitate dentists, osteopathic physicians and surgeons, physical therapists, physical therapy assistants, registered nurses, physician assistants, pharmacists and intern pharmacists, veterinarians, and registered veterinary technicians whose competency may be impaired due to, among other things, alcohol and drug abuse.

This bill would, with respect to those programs, revise references to alcohol and drug abuse to include other substances.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 156 of the Business and Professions Code
2 is amended to read:

3 156. (a) The director may, for the department and at the request
4 and with the consent of a board *or bureau* within the department
5 on whose behalf the contract is to be made, enter into contracts
6 pursuant to Chapter 3 (commencing with Section 11250) of Part
7 1 of Division 3 of Title 2 of the Government Code or Chapter 2
8 (commencing with Section 10290) of Part 2 of Division 2 of the
9 Public Contract Code for and on behalf of any board *or bureau*
10 within the department.

11 (b) In accordance with subdivision (a), the director may, in his
12 or her discretion, negotiate and execute contracts for examination
13 purposes ~~which~~ *that* include provisions ~~which~~ *that* hold harmless
14 a contractor where liability resulting from a contract between a
15 board in the department and the contractor is traceable to the state
16 or its officers, agents, or employees.

17 SEC. 2. Section 1695 of the Business and Professions Code is
18 amended to read:

19 1695. It is the intent of the Legislature that the *Dental Board*
20 ~~of Dental Examiners of California~~ seek ways and means to identify
21 and rehabilitate ~~licentiates~~ *licensees* whose competency may be
22 impaired due to abuse of dangerous drugs or alcohol *or other*
23 *substances*, so that ~~licentiates~~ *licensees* so afflicted may be treated
24 and returned to the practice of dentistry in a manner ~~which~~ *that*
25 will not endanger the public health and safety. It is also the intent
26 of the Legislature that the *Dental Board of Dental Examiners* of
27 California shall implement this legislation in part by establishing
28 a diversion program as a voluntary alternative approach to
29 traditional disciplinary actions.

30 SEC. 3. Section 2360 of the Business and Professions Code is
31 amended to read:

32 2360. It is the intent of the Legislature that the Osteopathic
33 Medical Board of California seek ways and means to identify and
34 rehabilitate osteopathic physicians and surgeons whose competency
35 may be impaired due to abuse of dangerous drugs ~~and~~ *or* alcohol
36 *or other substances*, so that osteopathic physicians and surgeons
37 so afflicted may be treated and returned to the practice of medicine
38 in a manner ~~which~~ *that* will not endanger the public health and

1 safety. It is also the intent of the Legislature that the Osteopathic
2 Medical Board of California shall implement this legislation by
3 establishing a diversion program as a voluntary alternative
4 approach to traditional disciplinary actions.

5 SEC. 4. Section 2662 of the Business and Professions Code is
6 amended to read:

7 2662. It is the intent of the Legislature that the board shall seek
8 ways and means to identify and rehabilitate physical therapists
9 and physical therapist assistants whose competency is impaired
10 due to abuse of dangerous drugs or alcohol *or other substances* so
11 that they may be treated and returned to the practice of physical
12 therapy in a manner ~~which~~ *that* will not endanger the public health
13 and safety.

14 SEC. 5. Section 2770 of the Business and Professions Code is
15 amended to read:

16 2770. It is the intent of the Legislature that the Board of
17 Registered Nursing seek ways and means to identify and
18 rehabilitate registered nurses whose competency may be impaired
19 due to abuse of alcohol ~~and other~~ *or drugs or other substances*, or
20 due to mental illness so that registered nurses so afflicted may be
21 rehabilitated and returned to the practice of nursing in a manner
22 ~~which~~ *that* will not endanger the public health and safety. It is also
23 the intent of the Legislature that the Board of Registered Nursing
24 shall implement this legislation by establishing a diversion program
25 as a voluntary alternative to traditional disciplinary actions.

26 SEC. 6. Section 3534 of the Business and Professions Code is
27 amended to read:

28 3534. (a) It is the intent of the Legislature that the examining
29 committee shall seek ways and means to identify and rehabilitate
30 physician assistants whose competency is impaired due to abuse
31 of dangerous drugs or alcohol *or other substances* so that they may
32 be treated and returned to the practice of medicine in a manner
33 ~~which~~ *that* will not endanger the public health and safety.

34 SEC. 7. Section 4360 of the Business and Professions Code is
35 amended to read:

36 4360. The board shall operate a pharmacists recovery program
37 to rehabilitate pharmacists and intern pharmacists whose
38 competency may be impaired due to abuse of alcohol *or other*
39 *substances*, drug use, or mental illness. The intent of the
40 pharmacists recovery program is to return these pharmacists and

1 intern pharmacists to the practice of pharmacy in a manner that
2 will not endanger the public health and safety.

3 SEC. 8. Section 4860 of the Business and Professions Code is
4 amended to read:

5 4860. It is the intent of the Legislature that the Veterinary
6 Medical Board seek ways and means to identify and rehabilitate
7 veterinarians and registered veterinary technicians with impairment
8 due to abuse of dangerous drugs or alcohol *or other substances*,
9 affecting competency so that veterinarians and registered veterinary
10 technicians so afflicted may be treated and returned to the practice
11 of veterinary medicine in a manner that will not endanger the public
12 health and safety.